

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10cv294**

JAMES EARHART,)	
)	
Plaintiff,)	
)	
Vs.)	ORDER
)	
COUNTRYWIDE BANK, FSB,)	
)	
Defendant.)	
)	

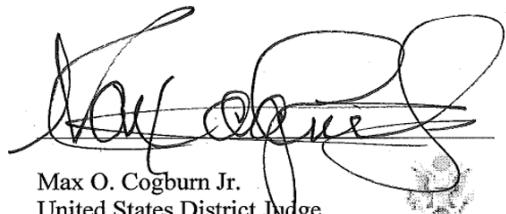
THIS MATTER is before the court on final periodic docket review. Review of the pleadings reveals that in response to this court's Order requiring plaintiff to show cause why he has failed to move this case forward, counsel for plaintiff filed a Motion to Withdraw indicating that plaintiff had failed to cooperate in the prosecution of this case or in the payment of fees to counsel. Counsel seeking to withdraw certified service of such motion on the plaintiff. Despite the passage of three months, plaintiff interposed no objection.

In an abundance of caution, the court allowed plaintiff on July 14, 2011, an additional 14 days to move the case forward. Despite such further allowance, plaintiff has taken no action. Having carefully considered the pending motion, reviewed relevant case law, and afforded plaintiff notice and an opportunity to act, the court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that the Motion to Withdraw (#5) is **ALLOWED**, and this action is **DISMISSED**.

Signed: September 22, 2011



A handwritten signature in black ink, appearing to read "Max O. Cogburn Jr." The signature is fluid and cursive, with a large, stylized "O" in the middle.

Max O. Cogburn Jr.
United States District Judge